

REMARKS

1. Summary of the Office Action

Claims 1-7, 12-18, 24-35, 40-41 stand rejected under § 102(a) as allegedly being anticipated by U.S. patent no. 5,825,869 (hereinafter “Brooks”). Claims 8-11, 19-23, 36-39 stand rejected under § 103(a) as allegedly unpatentable over Brooks in view of U.S. patent no. 6,141,328 (hereinafter “Nabkel”).

2. Response to § 112 Rejection

Claims 1, 14, 27, 29, and 35 have been amended and it is submitted that the claims in their present form now have sufficient antecedent basis.

3. Response to § 102 Rejections

Applicants have amended claims 1, 14, 26, 28, and 29 to include the limitation of reserving the agent. The Office Action concedes that this limitation is not described in Brooks but submits that it is allegedly described in Nabkel. Accordingly, the rejection of claims 1, 14, 26, 28, and 29 being anticipated by Brooks has been overcome.

4. Response to § 103 Rejections

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In Nabkel, an “OCS 38 is connected to network 24 via a communication connection 40 (or communication connection 32 shown in FIG. 2). Communication connection 40, like connections 32, 34, 36, and 38, can either be wireline or wireless. Upon a request from calling party 14 for a two-way call hold between the calling party and service center 16, OCS 38 relays the request to CCS 22 and negotiates with the CCS to allow calling party 14 to disconnect the call when placed on hold, but **remain in a queue for the next available agent at service center 16**. CCS 22 can confirm the request and, accordingly, both OCS 38 and the CCS know that the call is on hold” (see col. 5, lns. 17-28). “Thus, all calls are torn down while calling party 14 is waiting. As a result, calling party 14 and service center 16 do not incur toll fees during the two-way negotiated call hold, nor do they occupy valuable network trunk resources” (see col. 5, lns. 35-38). In Nabkel the agent is not reserved but the calling party is merely placed in a queue for the next available agent.

Claims 1 has been amended to include the limitation previously set out in claim 8, which is cancelled without prejudice. In particular claim 1 includes the limitation of “**prior to routing the transaction to the identified agent, reserving the agent which has been identified.**”

The Office Action concedes that this limitation is not described in Brooks but submits that it is described in Nabkel. As is evident from the discussion above, Nabkel does not describe or even suggest **reserving the agent** but merely places the call in a queue for the **next available agent**.

As neither Brooks nor Nabkel disclose the limitation of “**prior to routing the transaction to the identified agent, reserving the agent which has been identified,**” claim 1 is submitted to be allowable. As claims 2-7 and 9-13 are dependent upon claim 1 they are also allowable.

Claim 14, as amended, includes the limitation to “**reserve the agent and, after the agent has been reserved, supply the transaction to the appropriate agent.**” In view of the above, it is submitted that claim 14 is also allowable. As claims 15-18 and 20-25 are dependent upon claim 14, they are also allowable.

Claim 26, as amended, includes the limitation of “**reserving the agent and, after the agent has been reserved, supplying the transaction to the appropriate agent to generate a**

response for communication to the customer.” In view of the above, it is submitted that claim 26 is also allowable.

Claim 28 includes the limitation “wherein the transactional routing controller **reserves the agent and, after the agent has been reserved**, supplies the transaction to the appropriate agent to generate a response for communication to the customer.” In view of the above, it is submitted that claim 28 is also allowable.

Claim 29 includes the limitation of “prior to routing the transaction to the identified agent, **reserve the agent which has been identified**.” In view of the above, it is submitted that claim 29 is also allowable. As claims 30-35 and 37-41 are dependent upon claim 29, they are also allowable.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

5. Conclusion

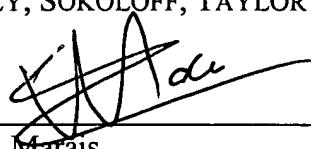
Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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André L. Marais
Reg. No. 48,095

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200